

County of Multnomah

IN THE NAME OF THE STATE OF OREGON:

COURT ORDER and SEARCH WARRANT AUTHORIZING RELEASE

EBay Incorporated is hereby commanded to release to Detective Darren Posey of the Portland Police Bureau all records and information, including but not limited to; account information, transaction history, search history, bidding history, as well as purchase transactions, delivery and shipment information, and electronic communications between purchaser and seller for Nancy Lee Crampton-Brophy [REDACTED] from December 1, 2017 until June 2, 2018.

And to seize and analyze the aforesaid objects of the search;

You are further directed to make return of this warrant to me within ten (10) days after the execution thereof.

It is further ordered pursuant to ORS 165.657 that the file in this cause be sealed until otherwise ordered by the court.

ISSUED over my hand on 10/19/18 at 2:40 a.m. / p.m.

FILED
NOV -7 2018
Circuit Court
Multnomah County, Oregon

Amy Holmes Hehn
Signature of Magistrate
AMY HOLMES HEHN
CIRCUIT COURT JUDGE
Title of Magistrate

1 IN THE CIRCUIT COURT OF THE STATE OF OREGON

2 MULTNOMAH COUNTY

3 STATE OF OREGON

4 COUNTY OF MULTNOMAH

FILED

NOV - 7 2018

AFFIDAVIT FOR

COURT ORDER AND SEARCH
WARRANT FOR RELEASE OF RECORDS

6 Circuit Court
7 Multnomah County, Oregon
I, Darren Posey, having been first duly sworn, depose and say that I am a Police

8 Detective, and I have been a sworn Peace Officer in the State of Oregon for 21 years, and have
9 been a Police Detective for over 12 years of that time. I have attended the Department of Public
10 Safety Standards and Training (DPSST) three-hundred and twenty (320) hour Basic Police
11 Academy, as well as a DPSST certified three-hundred and sixty (360) hour Advanced Academy
12 instructed by the Portland Police Bureau. I also attended a DPSST certified eighty (80) hour
13 Detective Academy. In addition to this training, I graduated Bethany University with a Bachelor
14 of Arts degree and graduated San Jose City College with an Associates of Arts degree. The
15 academies I have attended included training on investigating homicides, robberies, and assaults. I
16 am currently assigned to the Homicide Detail of the Detective Division for the Portland Police
17 Bureau. My current job assignment includes the investigation and apprehension of subjects who
18 have committed homicides, attempted homicides, and felony assaults;

19
20 That I am seeking a court order and search warrant for the following items: The release of
21 all account information, transaction history, search history, bidding history, as well as purchase
22 transactions, and electronic communications between purchaser and seller for Nancy Lee
23 Crampton-Brophy ([REDACTED]) from December 1, 2017 until June 2, 2018
24 from eBay Incorporated and PayPal Incorporated;

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3 The following information is provided to establish probable cause relative to the
4 information sought in this affidavit, and may not necessarily contain all of the facts and
5 circumstances I am aware of relative to this ongoing investigation;
6

7 That On June 2, 2018 I was directed to respond to the Oregon Culinary Institute at 1701
8 SW Jefferson Street, City of Portland, County of Multnomah, State of Oregon to conduct an
9 investigation related to the homicidal death of Daniel C. Brophy. The assigned Case Number is
10 18-183742. During the course of this investigation I oversaw the collection of information from
11 the crime scene located in and around the Oregon Culinary Institute located at 1701 SW
12 Jefferson Street, City of Portland, Multnomah County, and State of Oregon;
13

14 After reviewing the initial police response, talking to officers present at the scene and
15 debriefing with other investigators who were present, the following information has been
16 developed regarding Case Number 18-183742. I was informed by Sergeant Whattam that police
17 were called to respond to investigate a subject who had been recently shot with a gun and had
18 died in one of the kitchen areas of the Oregon Culinary Institute at 0823 hours on June 2, 2018.
19 The subject who had been killed was identified as Daniel C. Brophy who was an employed
20 instructor at the Oregon Culinary Institute. I personally observed that Daniel C. Brophy's injuries
21 were such that they could not have been self-inflicted, and no firearm was located at the scene.
22 The location of the crime occurred inside the institute, and I learned from staff and personal
23 observation the institute did not have any security surveillance camera systems. After contacting
24 the students and other staff members responding officers were not able to identify any eye-
25 witnesses who had heard or seen the actual crime occur. During the initial interviews with
26 institute administrators I was unable to identify any subjects who had a current grudge or dispute

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3 with Daniel C. Brophy;
4

5 While at the location of occurrence I conducted an audio recorded interview with the wife
6 of Daniel C. Brophy. The wife's name is Nancy Lee Crampton-Brophy. Nancy Lee Crampton-
7 Brophy told us she had come to the Oregon Culinary Institute because a friend had called her
8 about an incident at the institute and it was on the news. Nancy Lee Crampton-Brophy told me
9 she had attempted to call Daniel C. Brophy without result. We spoke to Nancy Lee Crampton-
10 Brophy in order to determine when Daniel C. Brophy left his home and what routines he keeps in
11 the morning. Nancy Lee Crampton-Brophy provided a timeline for when Daniel C. Brophy had
12 left their house that morning and she also provided some background information about her
13 husband. Nancy Lee Crampton-Brophy told us she believed Daniel C. Brophy left their residence
14 in Beaverton sometime around 0705 hours and would have arrived at the institute about ten
15 minutes or so later as they only live about five miles away. Nancy Lee Crampton-Brophy also
16 indicated she was at home at the time her husband left the house. Nancy Lee Crampton-Brophy
17 told us she did not know of any dispute or problem with any person that would provide a motive
18 for this incident. Nancy Lee Crampton-Brophy told us Daniel C. Brophy was well liked at the
19 institute and with the students. Nancy Lee Crampton-Brophy told us she and her husband had
20 decided to buy a handgun in February of this year (2018) after hearing about the school shooting
21 in Florida. Nancy Lee Crampton-Brophy told us she believed it was still at the house, but had not
22 looked at it recently. Nancy Lee Crampton-Brophy said they had not used it as they were not
23 really people that were familiar with guns. Nancy Lee Crampton-Brophy described the gun as a
24 Glock handgun in 9mm caliber;
25

26 While Nancy Lee Crampton-Brophy was at the Culinary Institute with us we asked if we

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3 could drive her back home and check if the firearm was still at the house, as we were unsure if
4 Daniel C. Brophy may have had the gun with him at the Institute for protection, and it had been
5 used against him in some way. Nancy Lee Crampton-Brophy agreed, and Detective Beniga and
6 Detective Broughton travelled with her back to her house to check the condition of the firearm. I
7 observed the vehicle Nancy Lee Crampton-Brophy was driving was a gray colored Toyota
8 Sienna mini-van with a roof rack and tinted windows. A set of pictures were taken of the vehicle
9 Nancy Lee Crampton-Brophy was driving by Detective Beniga;

10
11 Detective Beniga later told me Nancy Lee Crampton-Brophy gave the Glock 9mm
12 handgun to them for safekeeping. The gun was found in its box without ammunition along with
13 magazines and the slide zip-tied through the barrel;

14
15 During this investigation a canvas for video surveillance was conducted of the
16 surrounding businesses located by the Oregon Culinary Institute. This canvas is an investigative
17 technique designed to locate and identify potential suspects, suspect transportation, and avenues
18 of escape by the perpetrator. I had been informed by Detective Merrill that the Bellagio's Pizza
19 restaurant located across the street from the Oregon Culinary Institute had a security surveillance
20 system and had a camera that covered SW Jefferson Street just west of the Culinary Institute;

21
22 While watching the video at the Bellagio's location I observed a dark colored minivan
23 drive west bound on SW Jefferson Street from the area of the Oregon Culinary Institute. The
24 vehicle looked just like the mini-van driven by Nancy Lee Crampton-Brophy. The time the mini-
25 van travels west from the area of the institute was 0728 hours (AM) as adjusted from the
26 surveillance system that was synced to Eastern Standard Time. The mini-van on the video

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3 appeared to be driven by a subject who had gray hair. As Detective Beniga was at the house of
4 Nancy Lee Crampton-Brophy we asked him to take some pictures of her vehicle in order to
5 compare it with the video. Detective Beniga told me when he was taking pictures of the mini-
6 van; Nancy Lee Crampton-Brophy spontaneously stated, "Why? I wasn't there this morning, I
7 was at home."

8
9 The information developed from the crime scene and the autopsy conducted the
10 following day determined the bullets involved in the shooting were 9mm in caliber and were
11 fired by a semi-auto type handgun. The casings found at the crime scene were stamped "sig 9mm
12 luger" with silver colored exteriors. I was also able to find from the Oregon Culinary Institute
13 staff that Daniel Brophy had deactivated the alarm for the institute building at approximately
14 0721 hours on June 2, 2018. From the information developed from the autopsy and the initial
15 observance by the Medical Examiner Daniel Brophy was shot in the back once and shot in the
16 chest once. Both bullet impacts were centrally oriented on his body and both bullets traversed the
17 heart. Daniel Brophy did not have any defensive type wounds on his body. I noted no items or
18 money appeared to have been taken from Daniel Brophy and no sign of a struggle or disturbance
19 was present at the crime scene. Further, no items were found to be disturbed or missing from the
20 Oregon Culinary Institute;

21
22 During the initial investigation the cell phone belonging to Daniel Brophy the deceased
23 victim was located on his person during the incident. The phone was seized as evidence and its
24 information downloaded by Detectives in order to preserve the evidence. I personally reviewed
25 the information on the phone in an attempt to discover possible motive and suspect information
26 related to Daniel Brophy's murder. During the review I found a website book mark for the title

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3 "10 ways to cover up a murder." I later had contact with Nancy Brophy who confirmed she and
4 Daniel Brophy had a shared Apple I-Tunes account for their phones. From my research into
5 Apple's I-Tune family sharing plans, I know that internet searches and bookmarks are saved to
6 the accounts search history and viewable from any phone attached to the account. I know from
7 talking to Nancy Lee Crampton-Brophy she is a romance novelist and has several books
8 published. I also know from my investigation and interview with Nancy Lee Crampton-Brophy
9 she is involved with medical insurance counseling and is familiar with life insurance programs;

10
11 I also took time to compare the surveillance video with the pictures of Nancy Lee
12 Crampton-Brophy's mini-van. As I observed the photos I noted an older scratch with indentation
13 of the driver's side rear quarter panel between the top of the rear wheel well and the fuel door.
14 The scratch/indentation was rusted and had been on the vehicle for some period of time. As I was
15 able to view the video with a better monitor, I could see the same deformation in the mini-van on
16 the Bellagio's Pizza surveillance video. I could also see the driver's appearance was consistent to
17 Nancy Lee Crampton-Brophy's appearance;

18
19 After further canvassing I noted we were able to find additional video that pictured the
20 same mini-van at the same time frames circling the area at 0708 hours. Located to the west of the
21 Culinary Institute is a MAX platform called the Goose Hollow Station and has a series of camera
22 systems. Detective Merrill and I were able to secure the platform video for this station from 0630
23 hours to 0730 hours. Detective Merrill and I later reviewed these videos and were able to locate a
24 van matching the description of the Toyota Sienna belonging to Nancy Lee Crampton-Brophy
25 driving in towards the Oregon Culinary Institute at 0641 hours from the west. In one of the
26 videos we were able to identify a portion of the license plate on the gray colored Toyota Sienna

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3 mini-van. The viewable digits are "67 B." I was not able to specifically identify the first digit and
4 the last two digits listed on the license plate, but I was able to narrow what is seen into a range of
5 possible digits. The first digit of the plate could be a "0," but it is not completely clear enough to
6 be sure in my estimation. The other digits of the plate observed are consistent with "Q" and "X,"
7 but could also possibly be a "D" and a "K." The license plate for the Toyota Sienna mini-van
8 belonging to Nancy Lee Crampton-Brophy is assigned Oregon State License number "067
9 BQX." I know from my own internet research that Toyota made the same body and light
10 configuration for the Sienna mini-van for 2004 and 2005 models, and I know that the Toyota
11 Sienna mini-van registered to Daniel Brophy match that model seen in the video surveillance I
12 viewed. An Oregon DMV search indicates about 21 vehicles licensed in the State of Oregon to
13 2004 and 2005 Toyota Sienna vans could fit this partial license plate combination;

14
15 The other videos recovered and viewed were able to document a general area of travel for
16 the mini-van. The van is seen arriving on SW Jefferson Street and SW 20th Avenue heading east
17 towards the Oregon Culinary Institute at 0641 hours. The vehicle is seen heading north on SW
18 18th Avenue. The van is later seen stopping in front of KGW Studios on SW Jefferson east of the
19 Oregon Culinary Institute. The vehicle waits a short period of time then drives west by another
20 camera located at 1734 SW Jefferson Street and continues west travelling by Bellagios
21 Restaurant at 0708 hours. The van is then seen traversing the roundabout at SW Jefferson and
22 SW 18th Avenue where it is encountered by a PGE video security camera located at SW
23 Columbia Street and SW 16th Avenue. On this camera the mini-van turns left and drives north on
24 SW 17th Avenue towards the Oregon Culinary Institute one block away. The vehicle is not seen
25 driving by the other cameras until 0728 hours as it drives by Bellagios Restaurant again as it
26 heads west towards Beaverton. The vehicle is also observed again at the Goose Hollow Tri-Met

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3 Station continuing west on NW Jefferson Street and out of view heading towards Beaverton
4 Oregon. Based on the totality of this information I believe Nancy Lee Crampton-Brophy was
5 circling the area in her dark colored mini-van prior to Daniel C. Brophy's arrival at the Oregon
6 Culinary Institute, and Nancy Lee Crampton-Brophy was watching for Daniel C. Brophy's
7 arrival in order to effect his eventual murder;

8
9 It should be noted a court order/ search warrant was served on the AT&T account for the
10 cell phone number of Nancy Lee Crampton-Brophy for the historical location information for the
11 phone. The return of the warrant information requested is still being analyzed, but initial
12 indication shows the phone located in the area of Nancy Lee Crampton-Brophy's residence in
13 Beaverton Oregon during the time of the incident when Daniel Brophy was murdered. According
14 to the initial analysis from the Detective Division crime analyst, Nancy Lee Crampton-Brophy's
15 phone was not used but was on and connected to a nearby cell site;

16
17 During this investigation I spoke to Nathaniel Stillwater the son of Daniel Brophy on
18 June 27, 2018. During our conversation I learned Nancy Lee Crampton-Brophy used to sell life
19 insurance. I also found Nathaniel Stillwater was unaware of the recent purchase of a handgun by
20 Nancy Lee Crampton-Brophy. Nathaniel Stillwater told us he was surprised about the purchase
21 of the gun, and thought it was odd as he did not know they were considering such a purchase.
22 Nathaniel Stillwater told us he did not consider Nancy Lee Crampton-Brophy or his father to be
23 the type of people to own a gun. Nathaniel Stillwater told us he is familiar with firearms and
24 owns several firearms for hunting and sporting activities. Nathaniel Stillwater told us his father
25 knew this about him, and he thought his father would have likely talked to him about such a
26 purchase;

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4 Nancy Lee Crampton-Brophy told me she purchased the firearm at a gun show in
5 February 2018, and she had not used the gun or had any ammunition to load into the firearm.
6 When she gave the firearm to Detective Beniga she also provided a copy of the purchase receipt.
7 The receipt listed J&B Firearm Sales as the vendor who sold the firearm to Nancy Lee
8 Crampton-Brophy. I confirmed the serial number on the firearm matched that of the receipt. I
9 went to J&B Firearms located at 10201SW Beaverton-Hillsdale Highway in Beaverton Oregon.
10 I spoke with the employees there and they informed me that when they sell firearms at the gun
11 shows they do not sell ammunition. The employees showed me the type of zip ties they use for
12 securing weapons at the gun shows. I noted the zip tie used was similar to the one found on the
13 gun Nancy Lee Crampton Brophy had turned over for safe keeping. While at J&B Firearms I
14 noted they had the same type of ammunition for sale that was found in the crime scene. I also
15 noted that J&B Firearms Store is located less than a mile away from Nancy Lee Crampton
16 Brophy's home address;

17
18 On August 29, 2018 I submitted an affidavit for a warrant to test and analyze the Glock
19 17 firearm given to Detective Beniga and Detective Broughton for safe keeping by Nancy Lee
20 Crampton Brophy. Multnomah County Circuit Court Judge Amy Holmes-Hehn issued a warrant
21 to test and analyze the Glock 17 handgun with serial number [REDACTED] I transferred this firearm
22 along with the two casings and bullets recovered from the crime scene to the Oregon State
23 Criminal Laboratory on August 29, 2018. On September 4, 2018 I spoke to Leland Samuelson
24 the forensic scientist and firearm expert who conducted the analysis of the handgun, casings, and
25 bullets. Leland Samuelson told me the Glock 17 handgun with serial number [REDACTED] was not
26 the gun that fired the bullets that killed Daniel Brophy. Leland Samuelson told me the gun used

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3 to shoot the ammunition components from the crime scene was most likely a different Glock
4 handgun of 9mm caliber. Leland Samuelson confirmed the same gun was used to fire both
5 bullets in the murder Daniel Brophy;

6
7 On September 5, 2018 Nancy Lee Crampton-Brophy was arrested and Portland Police
8 Detectives served a search warrant on the residence and vehicle of Nancy Lee Crampton-Brophy
9 at [REDACTED] Beaverton, Oregon. During the search a silver colored HP laptop
10 computer with serial number [REDACTED] and a black and gray colored HP laptop computer
11 with serial number [REDACTED] were located. On September 14, 2018 a Multnomah County
12 Grand Jury indicted Nancy Lee Crampton Brophy for Murder with a Firearm Constituting
13 Domestic Violence (ORS 163.115). A separate warrant was petitioned and received from
14 Multnomah County Circuit Court Judge Amy Holmes Hehn to examine the lap top computers
15 seized. The lap-top computers were imaged/copied in order to view the information. I began
16 viewing the information and found in the search history typed information for a Glock 17 slide
17 and barrels for sale. Through this search information I found internet history indicating searches
18 conducted for Glock 17 Gen4 9mm slide and barrels for sale on EBay Incorporated. As I
19 continued the analysis of the searched items I saw Nancy Lee Crampton-Brophy has an
20 associated account with "PayPal" which is a payment system used by EBay customers to pay for
21 purchases through the EBay system;

22
23 I know that the gun Nancy Lee Crampton-Brophy purchased at the gun show on February
24 17, 2017 is a Glock 17 Gen4 9mm handgun. I know from my review of information found during
25 the search warrant service as well as articles written by Nancy Lee Crampton-Brophy, she has
26 spent time studying and reading about police procedures as well as tactics used to conceal

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3 criminal behavior. I know from my own training and experience with Glock handguns, they can
4 be manipulated in such a way so the slide and barrel from one Glock 17 handgun frame can be
5 interchanged with another handgun frame effectively changing the firearm. I know from my own
6 research and understanding of Glock firearms including my conversations with firearm experts
7 that changing the barrel and slide from one Glock frame to another Glock frame of similar model
8 will transfer the unique imprinting on the casing and bullet. I also know that the barrel and slide
9 though serialized by Glock are not registered and can be sold and purchased without making
10 notification with the Alcohol, Tobacco, and Firearms Administration (ATF) or other
11 governmental agencies;

12
13 That I therefore ask the above-entitled court issue a court order and search warrant
14 authorizing the release of all account information, transaction history, search history, bidding
15 history, as well as purchase transactions, delivery and shipment information, and electronic
16 communications between purchaser and seller for Nancy Lee Crampton-Brophy ([REDACTED])
17 ([REDACTED]) from December 1, 2017 until June 2, 2018;

18
19 I know from training and experience that premature disclosure of the contents of this
20 affidavit would jeopardize the investigation because it could release information known only to
21 law enforcement investigators. This could allow information to be released that could otherwise
22 be used to check the accuracy of information by witnesses and suspects related to this case.
23 Based on the foregoing, I request the affidavit be sealed until further ordered by the court,
24 excepting that it may be provided to the defense team in this case subject to the terms of any
25 protective order currently governing discovery in the case;

MULTNOMAH COUNTY CIRCUIT COURT

SEARCH WARRANT RETURN

The ORIGINAL WARRANT must be attached to this return.

The completed form must be returned to the issuing judge at: 1021 SW 4th Ave. Portland, OR 97204.

The declarant identified below makes the following Search Warrant Return:

A. This warrant was issued by Judge Amy Holmes Hehn;

B. This Warrant was issued on 10-19-18 at 02:40 am / pm

C. The affiant was: ☒ The undersigned, or

☐ _____ DPSST # _____

D. The warrant was: ☐ Not served, or

☒ Served on 10-19-18 at 03:15 am / pm

E. During the execution of the warrant:

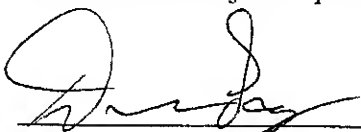
☐ No property was seized, or

☐ Property was seized, see attached _____ pages, or

☒ The below listed items were seized:

Retrieval of electronic data information

F. I hereby declare that the above statements, and attached pages (if any), are true to the best of my knowledge and belief, and that I understand they are made for use as evidence in court and are subject to penalty of perjury.



OFFICER SIGNATURE

Agency: Portland Police Bureau

Darren Posey / #29521

PRINTED NAME / DPSST#

Contact # 503-823-0403

FILED
2018 NOV -7 AM 10:12

County of Multnomah

IN THE NAME OF THE STATE OF OREGON:

COURT ORDER and SEARCH WARRANT AUTHORIZING RELEASE

PayPal Incorporated is hereby commanded to release to Detective Darren Posey of the Portland Police Bureau all records and information, including but not limited to; account information, transaction history, as well as purchase transactions including any delivery and shipment information for Nancy Lee Crampton-Brophy (email: nancybrophy@gmail.com) from December 1, 2017 until June 2, 2018.

And to seize and analyze the aforesaid objects of the search;

You are further directed to make return of this warrant to me within ten (10) days after the execution thereof.

It is further ordered pursuant to ORS 165.657 that the file in this cause be sealed until otherwise ordered by the court.

ISSUED over my hand on 10/19/18 at 2:40 a.m. (p.m.)

Amy Holmes Hehn
Signature of Magistrate

AMY HOLMES HEHN
CIRCUIT COURT JUDGE

Title of Magistrate

MULTNOMAH COUNTY CIRCUIT COURT

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B. This Warrant was issued on 10-19-18 at 2:40 am pm

C. The affiant was: ☒ The undersigned, or

☐ _____ DPSST # _____

D. The warrant was: ☐ Not served, or

☒ Served on 10-19-18 at 03:13 am pm

E. During the execution of the warrant:

☐ No property was seized, or

☐ Property was seized, see attached _____ pages, or

☒ The below listed items were seized:

Retrieval of electronic data information

F. I hereby declare that the above statements, and attached pages (if any), are true to the best of my knowledge and belief, and that I understand they are made for use as evidence in court and are subject to penalty of perjury.



OFFICER SIGNATURE

Agency: Portland Police Bureau

Darren Posey / #29521

PRINTED NAME / DPSST#

Contact # 503-823-0403

FILED

NOV -7 2018

Circuit Court
Multnomah County, Oregon

County of Multnomah

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Amy Holmes Hehn
Signature of Magistrate

AMY HOLMES HEHN
CIRCUIT COURT JUDGE

Title of Magistrate